

California Regional Water Quality Control Board  
North Coast Region

NOTICE OF PUBLIC HEARING AND NOTICE OF ISSUANCE OF A COMPLAINT

Administrative Civil Liability Complaint No. R1-2009-0131

For

Violation of Waste Discharge Requirements  
Order No. R1-2001-45

In the Matter of

Pacific Gas and Electric Company  
Humboldt Bay Power Plant  
WDID No. 1B82085OHUM  
Humboldt County

On December 31, 2009, the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), Assistant Executive Officer issued Administrative Civil Liability Complaint No. R1-2009-0131 (Complaint) to the Pacific Gas and Electric Company (Discharger). The Complaint proposes the imposition of mandatory minimum penalties (MMPs) in the amount of \$6,000 for alleged effluent limit violations of Waste Discharge Requirements Order No. R1-2001-45 (NPDES No. CA0005622) that occurred between February 28, 2001 through December 31, 2008.

According to California Water Code section 13323 subdivision (b), the Discharger is entitled to a hearing before the Regional Water Board within 90 days after the Discharger has been served with the Complaint.

***Opportunity for Settlement Without a Public Hearing***

A public comment period has commenced beginning on the date of this notice and ends February 1, 2010. This matter may be settled without a hearing if no significant comments are received during the comment period and if the Discharger waives the right to a hearing and agrees to pay the full amount of proposed administrative civil liability. The Assistant Executive Officer will consider comments received, and will either finalize the settlement or take other appropriate action.

***Public Hearing Procedures***

If the Discharger intends to contest the allegations in the Complaint, the Regional Water Board will hold a public hearing on this matter on March 24, 2010, or as announced in the Regional Water Board's summary agenda to be mailed on or about March 1, 2010. The meeting is scheduled to be held in the Yurok Tribal Headquarters, 190 Klamath Boulevard, Klamath, California. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed civil liability, or take other enforcement action, including but not limited to a referral to the Attorney General's Office.

If the Discharger and/or interested persons would like the Regional Water Board to consider additional technical reports, testimony, and other evidentiary material concerning this issue, written copies of such documentation must be received at the Regional Water Board's office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403, by 5:00 p.m. on February 21, 2010. This written material will be made available to the Regional Water Board members, Regional Water Board staff, and all interested persons.

Written material received after the above date will not be accepted, except at the discretion of the Regional Water Board's Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice the Discharger or the Regional Water Board staff. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of Regulations, title 23, sections 648.1 and 648.4).

All those who plan to testify at the hearing must submit written statements to the Regional Water Board by February 21, 2010. The statements should provide the name of the witness, their qualifications (if an expert), and the scope of their intended testimony. Testimony at the above-scheduled hearing may summarize or explain timely-submitted or late-accepted written evidence, but shall not add new evidence. The time constraints for oral testimony or comments will be set by the Chair and usually will allow no more than ten minutes for Regional Water Board staff and the Discharger and three minutes for other interested persons. A timer may be used and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

### ***Separation of Functions***

To ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role by presenting evidence for consideration by the Regional Water Board ("Prosecution Team") have been separated from those who will provide advice to Regional Water Board ("Advisory Team"). Members of the Prosecution Team are: Luis Rivera, Assistant Executive Officer; David Leland, Supervising Water Resources Control Engineer in charge of the Watershed Protection Division; Diana Henrioulle, Senior Water Resources Control Engineer in charge of the Enforcement Unit; and Mayumi Okamoto, Staff Counsel. Members of the Advisory Team are: Catherine Kuhlman, Executive Officer; and Samantha Olson, Staff Counsel. Some members of the Prosecution Team may have acted as advisors to the Regional Water Board in other, unrelated matters, but they are not advising the Regional Water Board in this proceeding. Ms. Okamoto is an attorney with the Office of Enforcement and has not acted in an advisory capacity to the Regional Water Board. Members of the Prosecution Team have not had any ex parte communications with the members of the Regional Water Board or the Advisory Team regarding this proceeding.

### ***Document Review***

The Complaint is available for review on the Regional Water Board web site at [http://water100.waterboards.ca.gov/rb1/adopted\\_orders/](http://water100.waterboards.ca.gov/rb1/adopted_orders/). That document as well as the other evidentiary documents and files, may be inspected or copied at the Regional Water Board office on Monday through Friday from 8:00 a.m. to 5:00 p.m. Appointments are recommended for file review. Appointments can be made by calling (707) 576-2220. For further information, please contact Regional Water Board staff member Nick Weil at (707) 576-6716 or at [nweil@waterboards.ca.gov](mailto:nweil@waterboards.ca.gov).

Luis G. Rivera  
Assistant Executive Officer

December 31, 2009